

MAR. 24. 2006 10:19AM

TOWNSEND & TOWNSEND

RECEIVED  
CENTRAL FAX CENTER

NO. 1999 P. 1

MAR 24 2006

Atty Docket No.: 020366-056900US

PTO FAX NO.: 571-273-8300

## OFFICIAL COMMUNICATION

### FOR THE ATTENTION OF

### Petitions Office

#### CERTIFICATION OF FACSIMILE TRANSMISSION

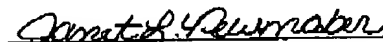
I hereby certify that the following documents in re application of Curtis L. Ashton et al., Application No. 09/200,631, filed November 30, 1998, for "Fiber To The Curb And Fiber To The Neighborhood Power Architecture" are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

#### Document(s) Attached

1. Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (2 pages)
2. Response To Notice Of Drawing Inconsistency With Specification (3 pages)

Number of pages being transmitted, including this page: 6

Dated: March 24, 2006

  
Janet L. Newmaker

**PLEASE CONFIRM RECEIPT OF THIS PAPER  
BY RETURN FACSIMILE AT 415-576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
60732349 v1

MAR 24 2006

PTO/SB/84 (10-05)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
020366-056900US

First named inventor: Curtis L. Ashton

Application No.: 09/200,631

Art Unit: 2643

Filed: November 30, 1998

Examiner: George Eng

Title: Fiber To The Curb And Fiber To The Neighborhood Power Architecture

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity — fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity — fee \$ 1,500 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of a response to notice of drawing inconsistency with specification (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,700

- ☒ has been paid previously on December 29, 2005.
- ☐ is enclosed herewith.

[Page 1 of 2]

MAR. 24. 2006 10:20AM

TOWNSEND & TOWNSEND

MAR 24 2006

NO. 1999 P. 3

PTO/SB/64 (10-05)

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. ☒ For fees authorized to be paid hereinabove, the Commissioner is hereby authorized to charge the fees, any deficiency of fees, and credit of any overpayments, to Deposit Account No. 20-1430.

5. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature

March 24, 2006

Date

Chad E. King  
Typed or printed name

44,187

Registration Number, if applicable

Townsend and Townsend and Crew LLP  
Address

303-571-4000

Telephone Number

Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Address

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

March 24, 2006

Date

  
Signature

Janet L. Newmaker

Typed or printed name of person signing certificate